

August 22, 2011

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Board member Askren was not present. Others attending were Supt. Gray; Chief Beloit; Chief Dixon; Attorney Higgins; Tom Hogan – Johnson Controls, Inc.; Cecil Waters; Ron and Vonnie Salle; Gary and Sue Shelton; Geneva James; Larry Williams; John Taylor – Ex. Dir. PCEDP; Judy Whitten; Nancy Sexton; John Gerton; Ed Adams; Pam Robinson – Posey County News; and arriving during the meeting, Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report.

Supt. Gray reported after 44 years of service, Robert Martin has retired from the water department, as of last Thursday. He added he wishes him good luck in his future endeavors, as he is only 87 !

Tom Hogan of JCI approached and stated he would like to give the Board an update on what has been done so far on Phase 3 of the water project, and again, he would like to thank the Board for the opportunity to serve Mt. Vernon.

Comm. Maynard arrived at the meeting.

Mr. Hogan stated they are in the process of looking for a permanent solution for the temporary intakes, and he believes they have some creative ideas that can save the city lots of money. He then stated they are also looking into well fields. Economic development being a hot topic, they are also looking into ways to make more water available to industry, even possibly by expanding the plant. He added they are modeling the system in reference to additional water flow and conducting well and ground water testing. He stated prices on storage tanks will be available to the Board in the next few weeks as well. He concluded by stating JCI is also looking into HVAC solutions for other city buildings, including city hall. Johnson Controls will make their complete presentation on Phase 3 at the September 12 meeting.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?  
Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated they need to make a final determination on the geotextile dewatering project bids. She reminded Board that bids were opened a few meetings back, and last meeting they discussed how determination needed to be made on the bids in relation to the Common Construction Wage. She added she has sent Board a letter of her findings, and as Superior Concrete was the low bidder, they did not provide a financial statement, which was a requirement of the bid. She added failure to attach the financial statement renders the bid void and Superior's bid must be rejected. She stated that is bad news for the city as they were the low bidder. The next lowest bidder was Empire, approximately \$15,000 more than Superior. She then stated the bids must all either be rejected or the bid awarded to the 2<sup>nd</sup> lowest responsive bidder. She concluded by stating Dave Dausman from Superior Concrete is present tonight and Supt. Gray and Don Morrison are aware of the developments.

Board member Curtis stated Superior has done great work for the city in the past, and he is glad to see that they bid on this project. However, the bid called for financial statements and they were not included in their bid.

Board member Hoehn stated in the first round of bids for this project, Superior did include their financial statements. He added the city needs the best deal and he would like the Board to consider rejecting all the bids and start over with the possibility of getting an even better deal, as the numbers are already out there. He added that is what he would like to see, if that would not turn the project on its head.

Attorney Higgins stated if the notice to bidders was published August 31 and September 7 the bids would be opened September 26 at the earliest. The bids would then have to be reviewed again and the award could not happen before October 10.

Board member Hoehn asked if that was a feasible timeline ?

Board member Curtis replied the project needs to be started as soon as possible, but that is not really his major concern. He stated his concern is there are regulations. What do they do next time if a bid isn't in proper form ? He added they will be setting a precedent and he feels they would be undermining the process, no matter how much he would like this to go the other way.

Board member Hoehn again stated their first bid included the financial statements.

Board member Curtis replied he knows that.

Board member Hoehn stated a bid should fall/stand on its own merit, in each case. He added Superior has been working for the city and he feels the city would gain by rejecting all the bids, as they could come in even lower and they need to save money where they can. He then stated they know they would save at least \$15,000.00.

Attorney Higgins stated their analysis should not be specific to any contractor, they are all qualified. The analysis should be based on cost, a cost analysis, and not individual bidders.

Board member Fuelling asked how long of a delay there would be in the project if they didn't go with the second lowest bidder and waited to make an award October 10 ?

Board member Curtis replied six weeks essentially.

Board member Hoehn asked how long the project would take, if awarded tonight ?

Supt. Gray replied the rains start usually the second week of October, then who knows, it starts to get cold shortly there after. He added he does not want concrete being poured when it is freezing or below, outside.

Attorney Higgins asked the term of the work ?

Supt. Gray replied it is a three month project, weather permitting.

Board member Curtis moved the Board award the project to Empire Contracting, the second lowest responsive bidder. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

Board member Hoehn stated he would still like to see the motion fail. Temperature is not an issue here, construction is done in New York year round, weather is not an issue, and money is. Again, he stated, he would like to see this voted down.

Mayor Tucker requested a roll call.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – absent; Fuelling – yes; Hoehn – no;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried 3-1.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer

August 22, 2011

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Councilwoman Askren was not present. Others attending were Supt. Gray; Chief Beloit; Chief Dixon; Attorney Higgins; Tom Hogan – Johnson Controls, Inc.; Cecil Waters; Ron and Vonnie Salle; Gary and Sue Shelton; Geneva James; Larry Williams; John Taylor – Ex. Dir. PCEDP; Judy Whitten; Nancy Sexton; John Gerton; Ed Adams; Pam Robinson – Posey County News; and Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Comm. Maynard stated their order from North American Salt has arrived for the season. He added they will have 250 ton on hold and therefore should be in good shape.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren was not present.

Chief Beloat stated Thursday, August 25 at 7:00 pm will be the Neighborhood Watch Meeting for Council District 2 at Trinity United Church, and LEPC will hold their annual Safety Fair this Saturday at the Jr. High/High School parking lot.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Hoehn stated he has no report.

Chief Dixon stated Saturday the department collected donations at 4<sup>th</sup> and Main for MDA. From 8:00 am to 11:00 am they collected just over \$1,000, they best they have ever done. He added the citizens were extremely generous. He stated 10 guys from the department participated and everyone had a safe, successful day.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

There were none.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren was not present.

2<sup>nd</sup> District Councilman Fuelling stated he has no report.

3<sup>rd</sup> District Councilman Hoehn stated he has given Council a picture of the new Hawthorne Animal Clinic and he would like commend Dr. Zieren in his efforts to help beautify Mt. Vernon by rebuilding and adding to his building. He stated he will also be adding another veterinarian as well – hats off to Dr. Zieren. He concluded his report by stating there have been issues with break-ins in the area around where his business is located and he would like to thank Chief Beloit and Travis Clowers for meeting with the business owners on this issue.

Councilwoman-at-Large Higgins stated she have no report.

Mayor Tucker stated the Lt. Governor will be in town on Thursday at 10:00 am at the Hovey House. He stated she will also make a trip to the riverfront to view the silo area, as her office awarded the grant to the city on their removal. He then stated if there was no further business, he entertains a motion to adjourn. Councilman Hoehn moved the meeting be adjourned. Seconded by Councilman Curtis. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer